IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

Bail Appl..No. 7486 of 2007

(CRIME NO. 133/07 OF RAJAPURAM POLICE STATION)

PETITIONERS ACCUSED 5 AND 6:

1. ABDUL FAISAL, S/O.ABDUL KABEER,
KOROTH HOUSE, KANHIRAMUKKU, MALAPPURAM DIST.

2. RAFEEQ KOROTH, AGED 23 YEARS,
S/O.ABDUNNI, KOROTH HOUSE, KANHIRAMUKKU,
MARANCHERRY VILLAGE, MALAPPURAM DIST.

BY ADV. SRI.D.KISHORE

RESPONDENTS: STATE & COMPLAINANT:

1. STATE OF KERALA REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
RAJAPURAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7486 of 2007

Dated this the 6th day of December 2007

O R D E R

Application for regular bail. Petitioners are accused 5 and 6. Altogether there are six accused persons. Theft was committed in a jewellery on the night of 18/8/2007. Cash and gold ornaments for a total value of about 26 lakhs were thieved. Crime was registered on 19/8/2007. Investigation proceeded. It was observed that accused No.1 was living beyond his means. He was interrogated. He allegedly made a confession of his involvement in the crime. The modus adopted by them was that the six accused had conspired to commit the offence. The third accused had built up friendship with some of the employees of the jewellery. He started staying with them. While he was so staying with them, he stealthily removed the key of the jewellery from them and handed over the same on one night to the fourth accused through the window of the house where they were residing. The other accused allegedly proceeded to the jewellery, opened the same and decamped with the booty. The petitioners were arrested on 10/11/2007. Recoveries have been effected of portion of the stolen property from the petitioners also. Investigation is not complete. All the other accused have by now been arrested. The second accused is still at large.

Investigation is hence not completed. Final report has not been filed.

2. The learned counsel for the petitioners submits that the petitioners are innocent. False allegations are being raised against the petitioners. The petitioners may be enlarged on bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. In any view of the matter, the petitioners who have remained in custody from 10/11/2007 may not now be enlarged on bail, submits the learned Public Prosecutor. Some further time is essential for the investigating officer in a serious crime like this to complete the investigation, urges the learned Public Prosecutor.

4. Having considered all the relevant circumstances, I find merit in the opposition by the learned Public Prosecutor. I agree with the learned Public Prosecutor that investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court for bail again at later stages of the investigation not, at any rate, prior to 19/12/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007